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TEN YEARS OF THE INDETERMINATE SENTENCE.

BY AMOS W. BUTLER, SECRETARY, BOARD OF STATE CHARITIES OF
INDIANA.

Ten years ago last April Indiana enacted the indeterminate sentence and parole laws. The same legislature converted the State Prison South at Jeffersonville into the Indiana Reformatory and named the prison at Michigan City the Indiana State Prison. These laws applied to both institutions, and were afterwards extended to apply to the Indiana Woman's Prison at Indianapolis.

In 1898 the indeterminate sentence and parole laws were attacked in the courts as unconstitutional, but were upheld by the Supreme Court of the State. This has been the decision of the courts of last resort in all the other States in which a similar question had been raised except Michigan. In that State the laws were held to be unconstitutional, but the constitution of the State was later amended and the laws were re-enacted.

There was considerable opposition to these laws in Indiana. Most of our people were uninformed concerning them. They have been so wisely administered by the authorities charged with that responsible duty, however, that those who have become acquainted with their operations are now generally favorable to them. When one compares the old prison system with the new, the advantage to the State and the far greater benefit to the prisoners from the operation of these laws, who can say they are not a distinct gain for the Commonwealth?

The Governor of Indiana, J. Frank Hanly, has made an interesting admission regarding his attitude toward the indeterminate sentence law. As a lawyer, he was opposed to it. He thought it a mistake. When he entered upon his duties as governor, he was prejudiced against it, and intended to attack it when opportunity offered. His new office brought him into close contact with both the parole boards and the prisoners, and gave him an excellent opportunity to study the administration of the law and the results obtained. His complete conversion followed. As he himself has put it: "My past prejudices are broken down. Instead of its critic, I have become its defender. I have been convinced by what I have seen and heard and learned." This he declared publicly at the Indiana State Conference of Charities at Muncie, Oct. 7, 1906, and at the meeting of the National Prison Association at Chicago, Sept. 16, 1907.

Nor is Governor Hanly alone in his conversion. At the beginning the lawyers generally regarded the laws unfavorably. Gradually they have changed their views, and when a committee of the Indiana State Bar Association, appointed a year ago to study this question, presented a favorable report at the Association's meeting in Indianapolis in July, 1907, the report was received without adverse criticism.

During the past year an attempt has been made to learn how these laws are regarded from another standpoint. Letters were addressed to a number of paroled men and to their employers, requesting their candid opinion. The result was gratifying. While a number of employers had found the paroled prisoners unsatisfactory workmen, the majority expressed themselves as well satisfied, and many declared emphatically their belief in the value of the laws. Equally pleasing were the answers received from the men. The prevailing idea seems to have been expressed by one who wrote: "I think the indeterminate sentence law a much better law both for the unfortunate boy and the citizens of the State. It gives the first offender a chance to retrace his steps before it is too late."

These laws give the prison authorities an opportunity to release men who are deemed capable of becoming law-abiding citizens, and to retain for a longer period those who have not shown satisfactory evidence of reformation. In actual practice this has resulted in considerably lengthening the average time of service in prison. A study of the records of the State Prison has brought out the fact that the last three hundred men received under the old definite form of sentence served an average of 1 year, 9 months, and 14 days. The first three hundred received under the indeterminate sentence law served an average of 3 years, 2 months, and 12 days, or 1 year, 4 months, and 28 days longer. A similar study of the Reformatory records discloses an average sentence of 1 year, 8 months, and 22 days under the old law, 2 years, 4 months, and 6 days, or 7 months and 14 days longer, under the new. When it is understood that this increase is due largely to the longer time served by men convicted of such crimes as incest and rape, the figures have an added significance.

Most of us do not realize that there have been released in Indiana upon parole, after much training, from both the Reformatory and State Prison, 3,745 men in the past ten years. Of these but 25 per cent. proved to be unsatisfactory. Most of these paroled men were unemployed when their offences were committed. They had generally not been regular wage-earners. Hence it is interesting to learn that during the time they have been tested on parole they have earned for themselves \$949,773.31.

The following figures show some of the results of the operation of these laws from the time they went into effect, April 1, 1897, to April 1, 1907:—

	State Prison.	Reformatory.	Total.
Total number paroled	1,402	2,343	3,745
Received final discharge	831	1,253	2,084
Time expired while on parole	92	201	293
Returned for violation of parole	218	325	543
Delinquent and at large	114	309	423
Died on parole	29	48	77
At present reporting	118	207	325
Percentage of unsatisfactory cases	23.6	27.1	25.8

	State Prison.	Reformatory.	Total.
Total earnings of the paroled men	\$380,771.49	\$569,001.82	\$949,773.31
Their expenses	275,964.18	486,463.50	762,427.68
Balance	\$104,807.31	\$82,538.32	\$187,345.63

In Indiana now the indeterminate sentence law applies to all her prisons,—the Reformatory, the State Prison for men and the Woman's Prison. Minors are released from the reform schools (the Indiana Boys' School and the Indiana Girls' School) upon parole. Probation laws apply to both adults and minors. The juvenile court law applies throughout the entire State.